

107TH CONGRESS
2D SESSION

H. R. 4961

To establish a National Bipartisan Commission on the Future of Medicaid.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2002

Mr. TAUZIN introduced the following bill; which was referred to the Committee
on Energy and Commerce

A BILL

To establish a National Bipartisan Commission on the
Future of Medicaid.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE IX—MEDICAID, PUBLIC**
4 **HEALTH, AND OTHER HEALTH**
5 **PROVISIONS**

6 **Subtitle A—Medicaid Provisions**

7 **SEC. 901. NATIONAL BIPARTISAN COMMISSION ON THE FU-**
8 **TURE OF MEDICAID.**

9 (a) ESTABLISHMENT.—There is established a com-
10 mission to be known as the National Bipartisan Commis-

1 sion on the Future of Medicaid (in this section referred
2 to as the “Commission”).

3 (b) DUTIES OF THE COMMISSION.—The Commission
4 shall—

5 (1) review and analyze the long-term financial
6 condition of the medicaid program under title XIX
7 of the Social Security Act (42 U.S.C. 1396 et seq.);

8 (2) identify the factors that are causing, and
9 the consequences of, increases in costs under the
10 medicaid program, including—

11 (A) the impact of these cost increases upon
12 State budgets, funding for other State pro-
13 grams, and levels of State taxes necessary to
14 fund growing expenditures under the medicaid
15 program;

16 (B) the financial obligations of the Federal
17 government arising from the Federal matching
18 requirement for expenditures under the med-
19 icaid program; and

20 (C) the size and scope of the current pro-
21 gram and how the program has evolved over
22 time;

23 (3) analyze potential policies that will ensure
24 both the financial integrity of the medicaid program

1 and the provision of appropriate benefits under such
2 program;

3 (4) make recommendations for establishing in-
4 centives and structures to promote enhanced effi-
5 ciencies and ways of encouraging innovative State
6 policies under the medicaid program;

7 (5) make recommendations for establishing the
8 appropriate balance between benefits covered, pay-
9 ments to providers, State and Federal contributions
10 and, where appropriate, recipient cost-sharing obli-
11 gations;

12 (6) make recommendations on the impact of
13 promoting increased utilization of competitive, pri-
14 vate enterprise models to contain program cost
15 growth, through enhanced utilization of private
16 plans, pharmacy benefit managers, and other meth-
17 ods currently being used to contain private sector
18 health-care costs;

19 (7) make recommendations on the financing of
20 prescription drug benefits currently covered under
21 medicaid programs, including analysis of the current
22 Federal manufacturer rebate program, its impact
23 upon both private market prices as well as those
24 paid by other government purchasers, recent State
25 efforts to negotiate additional supplemental manu-

1 facturer rebates and the ability of pharmacy benefit
2 managers to lower drug costs;

3 (8) review and analyze such other matters relat-
4 ing to the medicaid program as the Commission
5 deems appropriate; and

6 (9) analyze the impact of impending demo-
7 graphic changes upon medicaid benefits, including
8 long term care services, and make recommendations
9 for how best to appropriately divide State and Fed-
10 eral responsibilities for funding these benefits.

11 (c) MEMBERSHIP.—

12 (1) NUMBER AND APPOINTMENT.—The Com-
13 mission shall be composed of 17 members, of
14 whom—

15 (A) four shall be appointed by the Presi-
16 dent;

17 (B) six shall be appointed by the Majority
18 Leader of the Senate, in consultation with the
19 Minority Leader of the Senate, of whom not
20 more than 4 shall be of the same political party;

21 (C) six shall be appointed by the Speaker
22 of the House of Representatives, in consultation
23 with the Minority Leader of the House of Rep-
24 resentatives, of whom not more than 4 shall be
25 of the same political party; and

1 (D) one, who shall serve as Chairman of
2 the Commission, appointed jointly by the Presi-
3 dent, Majority Leader of the Senate, and the
4 Speaker of the House of Representatives.

5 (2) DEADLINE FOR APPOINTMENT.—Members
6 of the Commission shall be appointed by not later
7 than December 1, 2002.

8 (3) TERMS OF APPOINTMENT.—The term of
9 any appointment under paragraph (1) to the Com-
10 mission shall be for the life of the Commission.

11 (4) MEETINGS.—The Commission shall meet at
12 the call of its Chairman or a majority of its mem-
13 bers.

14 (5) QUORUM.—A quorum shall consist of 8
15 members of the Commission, except that 4 members
16 may conduct a hearing under subsection (e).

17 (6) VACANCIES.—A vacancy on the Commission
18 shall be filled in the same manner in which the origi-
19 nal appointment was made not later than 30 days
20 after the Commission is given notice of the vacancy
21 and shall not affect the power of the remaining
22 members to execute the duties of the Commission.

23 (7) COMPENSATION.—Members of the Commis-
24 sion shall receive no additional pay, allowances, or

1 benefits by reason of their service on the Commis-
2 sion.

3 (8) EXPENSES.—Each member of the Commis-
4 sion shall receive travel expenses and per diem in
5 lieu of subsistence in accordance with sections 5702
6 and 5703 of title 5, United States Code.

7 (d) STAFF AND SUPPORT SERVICES.—

8 (1) EXECUTIVE DIRECTOR.—

9 (A) APPOINTMENT.—The Chairman shall
10 appoint an executive director of the Commis-
11 sion.

12 (B) COMPENSATION.—The executive direc-
13 tor shall be paid the rate of basic pay for level
14 V of the Executive Schedule.

15 (2) STAFF.—With the approval of the Commis-
16 sion, the executive director may appoint such per-
17 sonnel as the executive director considers appro-
18 priate.

19 (3) APPLICABILITY OF CIVIL SERVICE LAWS.—
20 The staff of the Commission shall be appointed with-
21 out regard to the provisions of title 5, United States
22 Code, governing appointments in the competitive
23 service, and shall be paid without regard to the pro-
24 visions of chapter 51 and subchapter III of chapter

1 53 of such title (relating to classification and Gen-
2 eral Schedule pay rates).

3 (4) EXPERTS AND CONSULTANTS.—With the
4 approval of the Commission, the executive director
5 may procure temporary and intermittent services
6 under section 3109(b) of title 5, United States Code.

7 (5) PHYSICAL FACILITIES.—The Administrator
8 of the General Services Administration shall locate
9 suitable office space for the operation of the Com-
10 mission. The facilities shall serve as the head-
11 quarters of the Commission and shall include all
12 necessary equipment and incidentals required for the
13 proper functioning of the Commission.

14 (e) POWERS OF COMMISSION.—

15 (1) HEARINGS AND OTHER ACTIVITIES.—For
16 the purpose of carrying out its duties, the Commis-
17 sion may hold such hearings and undertake such
18 other activities as the Commission determines to be
19 necessary to carry out its duties.

20 (2) STUDIES BY GAO.—Upon the request of the
21 Commission, the Comptroller General shall conduct
22 such studies or investigations as the Commission de-
23 termines to be necessary to carry out its duties.

1 (3) COST ESTIMATES BY CONGRESSIONAL
2 BUDGET OFFICE AND OFFICE OF THE CHIEF ACTU-
3 ARY OF HCFA.—

4 (A) The Director of the Congressional
5 Budget Office or the Chief Actuary of the Cen-
6 ters for Medicare & Medicaid Services, or both,
7 shall provide to the Commission, upon the re-
8 quest of the Commission, such cost estimates as
9 the Commission determines to be necessary to
10 carry out its duties.

11 (B) The Commission shall reimburse the
12 Director of the Congressional Budget Office for
13 expenses relating to the employment in the of-
14 fice of the Director of such additional staff as
15 may be necessary for the Director to comply
16 with requests by the Commission under sub-
17 paragraph (A).

18 (4) DETAIL OF FEDERAL EMPLOYEES.—Upon
19 the request of the Commission, the head of any Fed-
20 eral agency is authorized to detail, without reim-
21 bursement, any of the personnel of such agency to
22 the Commission to assist the Commission in car-
23 rying out its duties. Any such detail shall not inter-
24 rupt or otherwise affect the civil service status or
25 privileges of the Federal employee.

1 (5) TECHNICAL ASSISTANCE.—Upon the re-
2 request of the Commission, the head of a Federal
3 agency shall provide such technical assistance to the
4 Commission as the Commission determines to be
5 necessary to carry out its duties.

6 (6) USE OF MAILS.—The Commission may use
7 the United States mails in the same manner and
8 under the same conditions as Federal agencies and
9 shall, for purposes of the frank, be considered a
10 commission of Congress as described in section 3215
11 of title 39, United States Code.

12 (7) OBTAINING INFORMATION.—The Commis-
13 sion may secure directly from any Federal agency
14 information necessary to enable it to carry out its
15 duties, if the information may be disclosed under
16 section 552 of title 5, United States Code. Upon re-
17 quest of the Chairman of the Commission, the head
18 of such agency shall furnish such information to the
19 Commission.

20 (8) ADMINISTRATIVE SUPPORT SERVICES.—
21 Upon the request of the Commission, the Adminis-
22 trator of General Services shall provide to the Com-
23 mission on a reimbursable basis such administrative
24 support services as the Commission may request.

1 (9) PRINTING.—For purposes of costs relating
2 to printing and binding, including the cost of per-
3 sonnel detailed from the Government Printing Of-
4 fice, the Commission shall be deemed to be a com-
5 mittee of the Congress.

6 (f) REPORT.—Not later than March 1, 2004, the
7 Commission shall submit a report to the President and
8 Congress which shall contain a detailed statement of only
9 those recommendations, findings, and conclusions of the
10 Commission.

11 (g) TERMINATION.—The Commission shall terminate
12 30 days after the date of submission of the report required
13 in subsection (f).

14 (h) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated \$1,500,000 to carry out
16 this section.

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